

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Michael Gerard Fletcher (State Bar No. 70849) mfletcher@frandzel.com FRANDZEL ROBINS BLOOM & CSATO, L.C. 6500 Wilshire Boulevard, Seventeenth Floor Los Angeles, California 90048-4920 Telephone: (323) 852-1000 Facsimile: (323) 651-2577</p> <p><input type="checkbox"/> Individual <i>appearing without an attorney</i> <input checked="" type="checkbox"/> Attorney for: Plaintiff BANK SINOPAC LOS ANGELES BRANCH</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - **SELECT DIVISION**</p>	
<p>In re: ATHERTON FINANCIAL BUILDING, LLC, a California limited liability company,</p> <p style="text-align: right;">Debtor(s)</p>	<p>CASE NO.: 2:14-bk-27223-TD CHAPTER: 11</p>
	<p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: <i>(title of motion¹)</i>: <u>Motion to Approve Settlement and Compromise</u></p>

PLEASE TAKE NOTE that the order titled [Proposed Alternate] Oder Granting Motion to Approve Settlement and Compromise

was lodged on (date) June 5, 2015 and is attached. This order relates to the motion which is docket number 87.

¹ Please abbreviate if title cannot fit into text field.

1 Michael Gerard Fletcher (State Bar No. 70849)
mfletcher@frandzel.com
2 FRANDZEL ROBINS BLOOM & CSATO, L.C.
6500 Wilshire Boulevard, Seventeenth Floor
3 Los Angeles, California 90048-4920
Telephone: (323) 852-1000
4 Facsimile: (323) 651-2577

5 Attorneys for Plaintiff BANK SINOPAC LOS
ANGELES BRANCH
6

7 UNITED STATES BANKRUPTCY COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 LOS ANGELES DIVISION

10 In re
11 AHTERTON FINANCIAL BUILDING LLC,
a California limited liability company,
12 Debtor.
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Case No. 2:14-bk-27223-TD

Chapter 11

Adv. No. 2:15-ap-01145-TD

[PROPOSED ALTERNATE] ORDER
GRANTING MOTION TO APPROVE
SETTLEMENT AND COMPROMISE

Hearing:

Date: June 3, 2015

Time: 2:00 p.m.

Place Courtroom 1345

255 East Temple Street

Los Angeles, California 90012

1 A hearing was held on June 3, 2015, at 2:00 p.m. in Courtroom 1345 of the United States
2 Bankruptcy Court for the Central District of California, Los Angeles Division, before the Honorable
3 Thomas B. Donovan, United States Bankruptcy Judge, for the Court to consider the motion
4 ("Motion"), filed by Atherton Financial Building LLC, the debtor and debtor in possession herein (the
5 "Debtor"), for an order to approve settlement and compromise with Bank SinoPac Los Angeles
6 Branch ("Bank") which partially resolves adversary proceeding 2:15-ap-01145-TD commenced by the
7 Bank (the "Adversary Proceeding") and, further, final resolution and dismissal of this bankruptcy case.
8 In light of the Court's tentative ruling issued in advance of the hearing, appearances were waived.

9 The Court, having considered the Motion, all papers filed in support of the Motion, the
10 Stipulation for Immediate Entry of Declaratory Judgment (the "Stipulation") attached to the Motion as
11 Exhibit "A", no opposition to the Motion having been filed, proper notice of the Motion and the
12 hearing on the Motion having been provided, having determined that the proposed compromise is fair
13 and reasonable and in the best interest of the Debtor's estate and all creditors, and complies with all the
14 requirements set forth in Martin v. Kane (In re A & C Properties), 784 F.2d 1377, 1380-81 (9th Cir.
15 1986), cert. denied 479 U.S. 854 (1986), the entire record in this case, and other good cause appearing
16 therefor,

17 IT IS HEREBY ORDERED AS FOLLOWS:

- 18 A. The Motion is hereby granted in its entirety;
- 19 B. The compromise set forth in the Motion is hereby approved in its entirety;
- 20 C. All parties to the Stipulation and the compromise are hereby authorized to take
21 all actions necessary and proper to consummate the compromise;
- 22 D. A Judgment on the Stipulation, to be submitted by the Bank, shall be entered in
23 the Adversary Proceeding;
- 24 E. Levene, Neale, Bender, Yoo & Brill L.L.P. ("LNBYB"), general bankruptcy
25 counsel to the Debtor, is hereby authorized and instructed to transfer the sum of \$1,500,000
26 being held by LNBYB of proceeds of the sale of the Debtor's assets (the "Sale Proceeds"), to
27 the Bank in accordance with payment instructions to be provided by the Bank to LNBYB;
- 28 F. LNBYB shall pay all remaining administrative claims of the Debtor's estate,

1 including professional fees and U.S. Trustee quarterly fees, from the Sale Proceeds;

2 G. This bankruptcy case is hereby dismissed;

3 H. Notwithstanding dismissal of this bankruptcy case, the Court expressly retains
4 jurisdiction over the Adversary Proceeding.

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FRANZEL ROBINS BLOOM & CSATO, L.C.
6500 WILSHIRE BOULEVARD, 17TH FLOOR
LOS ANGELES, CALIFORNIA 90048-4920
(323) 852-1000

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
6500 Wilshire Boulevard, 17th Floor, Los Angeles, CA 90048-4920.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) June 5, 2015, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Todd M Arnold tma@lnbyb.com
- Douglas G Boven dboven@reedsmith.com, gsandoval@reedsmith.com
- Christopher D Crowell ccrowell@frandzel.com, efiling@frandzel.com, dmoore@frandzel.com
- Michael G Fletcher mfletcher@frandzel.com, efiling@frandzel.com; sking@frandzel.com
- David B Golubchik dbg@lnbyb.com, dbg@ecf.inforuptcy.com
- Jeffrey S Kwong jsk@lnbyb.com, jsk@ecf.inforuptcy.com
- Charles Alex Naegle alex@canlawcorp.com, alexnaeglelaw@gmail.com
- Queenie K Ng queenie.k.ng@usdoj.gov, dare.law@usdoj.gov
- Laura Palazzolo laura.palazzolo@berliner.com
- Jeffrey S Shinbrot jeffrey@shinbrotfirm.com, sandra@shinbrotfirm.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Reed S Waddell rwaddell@frandzel.com, efiling@frandzel.com; sking@frandzel.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) June 5, 2015, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

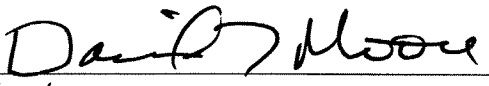
Hon. Thomas B. Donovan (By personal delivery)
United States Bankruptcy Court
Central District of California
255 East Temple Street, Suite 1352
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 5, 2015
Date

David T. Moore
Printed Name


Signature